THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.19697 OF 2006

DATED: 22.09.2006

Between:

Balineni Venkateswarlu S/o Yellamanda
R/o Ongole and another.

...
PETITIONERS

And:

The Deputy Commissioner,
Endowments Department, Guntur
And others.

...**RESPONDENTS**

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.NO.19697 OF 2006

ORAL ORDER:

The writ petition is directed against the *ex parte* orders of the first respondent dated 15.07.2006 in O.A.Nos.23 and 24 of 2006, declaring the petitioners as encroachers on the property of the third respondent-Devasthanam and directing them to vacate the property, failing which they would be proceeded against under the provisions of Section 84 of the A.P.Charitable and Hindu Religious Institutions and Endowments Act, 1987.

The petitioners did not contest the O.As., instituted against them by the third respondent-Devasthanam seeking determination of the petitioners as encroachers and for eviction despite service of notice on them. After the *ex parte* order was passed and as they were facing a threat of eviction, they filed applications in the respective O.As., in August 2006 seeking to set aside the *ex parte* orders dated 15.07.2006, for restoration and for determination of the O.As. on merits. These applications are not yet disposed of, is another grievance in this writ petition.

As the petitioners have filed applications for setting aside the *ex parte* orders dated 15.07.2006 in O.A.Nos.23 and 24 of

2006, this Court is not inclined to consider the validity of the orders declaring the petitioners as encroachers and directing their eviction, in this writ petition. The petitioners have not established, *prima facie,* in this court that they are not encroachers. Therefore, this Court is not inclined to grant any relief pending consideration of their applications before and by the competent authority (the first respondent).

In the circumstances aforesaid, the writ petition is disposed of directing the first respondent to expeditiously consider and dispose of the petitioners' applications seeking to set aside the *ex parte* orders in O.A.Nos.23 and 24 of 2006, preferably within a period of six weeks from the date of receipt of a copy of this order. Nothing in this order shall be construed as an expression by this Court on the merits of the petitioners' claims, or the petitioner's defence to the O.As., nor shall anything in this order be construed as constituting a suspension or stay of the orders dated 15.07.2006. There shall be no order as to costs.

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22.09.2006

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